

Meeting Minutes of the City of Milpitas Campaign Finance Reform Committee

WEDNESDAY, JANUARY 20, 2016

6:00 PM

**Milpitas City Hall, Committee Room, 1st floor
455 E. Calaveras Boulevard, Milpitas, CA**

CALL TO ORDER

Chair Althea Polanski called the meeting to order at 6:05 PM.

ROLL CALL

Committee Members present: Althea Polanski, Bill Ferguson, Bob Nunez, Martha Lamdin, and Syed Mohsin

Committee Member absent: Lokesh Krishnarajpet, Rajeev Madnawat and Rohit Sharma. Marty Riker was absent at roll call and arrived at 6:12 PM.

Staff present: City Clerk Mary Lavelle and City Attorney Chris Diaz

Approve Agenda: Motion by Bill Ferguson and second by Syed Mohsin, the agenda was approved 5–0

Approve Meeting Minutes: Motion by Syed Mohsin and second by Bob Nunez, the meeting minutes of September 29, 2015 were approved on a 5–0 vote.

Public Forum:

Committee member Martha Lamdin referred to some recent articles in the newspaper regarding Fair Political Practices Commission activity and decisions announced.

Milpitas resident Rob Means did not see anything on the “Voters Right to Know” initiative, which was an effort to change what is listed on political ads, by requiring groups to reveal who are the top three funders of their ads. Also the “Move to Amend” effort was to support Proposition 49 (later on agenda).

Discussion Items:

Number of City Council members –

City Attorney Diaz may need to look at if it is required to be on a district elections-basis, first, to be able to increase the number of City Councilmembers. Some Committee members do support going to seven elected officials on the Council. One thought it should be tied to districts. Motion: moved by Bill Ferguson, with second by Martha Lamdin, to support an increase from 5 to 7 City Councilmembers, and also to move to district-style election and with the Mayor still elected at-large. Approved 6–0

Voluntary Contribution Cap and other incentives –

Chair Althea Polanski suggested that perhaps the group could recommend a higher cap (total amount) than earlier discussed. Further discussion on limits to contribution totals was held, regarding no limits to a candidate lending him/herself money, and related to overall committee spending.

Bill Ferguson discussed that lending yourself money would count toward voluntary contribution limits, even though the City Attorney noted that group could not limit what each person can loan themselves. Chair Polanski agree with continuing to recommend a voluntary cap. Some suggested not including the cost of printing candidate’s statement in voter pamphlet toward the limit.

City Attorney Diaz asked the group if there was a true concern about corruption, which should be the basis for any limits established.

Syed Mohsin suggested one cap for any elective office (Council or Mayor) and supported a larger Council consisting of 7 members.

Further discussion was held on various dollar amounts that could be recommended for a contribution cap (from \$15,000 to \$25,000 and more).

Motion: Continue to recommend a voluntary contribution cap. Bob Nunez moved and Syed Mohsin seconded the recommendation. Approved 6-0

Amount of the contribution cap: Martha Lamdin made a motion for the cap of \$25,000 for Mayor and \$20,000 for City Councilmember, seconded by Syed Mohsin. Bob Nunez felt this was acceptable and asked to include that it would be amended annually or by formula. Adjust the cap based on the cost of living increase was added to the motion. Approved 6-0

The question on loans from the candidates themselves and whether or not to include that in the cap was discussed. Various motions were considered. On a 3-3 tie vote, the motion (moved by Bill Ferguson, seconded by Martha Lamdin) died to include those loans in the total contribution cap.

Additional Incentives. Chair Polanski thought maybe these would be good, when Bill Ferguson suggested an independent expenditure committee spending funds on advertising and noting who accepted the cap. These would already have the diamond mark to show acceptance of the cap.

Exclusion of Lobbyists from Contributing to Candidates –

Moved by Martha Lamdin, seconded by Bill Ferguson, to exclude lobbyists from donating to candidates for office, so that registered lobbyists in the city could not make contributions to a candidate for office. The City Attorney remarked on the basis for such a restriction, which must be to stop corruption. There may be a need to document a history of corruption for this recommendation. Approved 6-0

Support Proposition 49 -

Chair Polanski asked resident Rob Means to summarize the intent of this proposition on the upcoming statewide ballot. He explained that the Proposition was seeking support from Californians to overturn Citizens United (Supreme Court decision) to allow full regulation or limits on spending for elections. He advocated favorably for this proposition.

The Chair asked, shall the committee urge Council to adopt a resolution of support, if such a Proposition (Prop 49) gets on the ballot relative to the 28th amendment to the US Constitution, or any others. Motion by Martha Lamdin with second by Bob Nunez, the City Council should support the proposition as described. Approved with 5 in favor and 1 opposed (Marty Riker).

Issue of Limits on PACs or Independent Expenditures –

Chair Polanski noted there really was nothing that the group could do, based on legal advice from the City Attorney. Bill Ferguson asked if there could be stronger regulations on mailers or other restrictions.

Motion by Bill Ferguson to do in Milpitas something similar to the California Disclose Act, requiring a listing of the top five funders (contributors) on print advertisements along with the Committee name, and specifics on text size and color, seconded by Martha Lamdin. Approve 6-0

Pay for Play – Corruption/Bribery

Chair Polanski noted this topic was complex; and, an issue that Council would have to get into. Marty Riker suggested scratching this topic. He moved to do so, with second by Bill Ferguson, and only bring it back to the Committee after the City Attorney would speak with Councilmember Barbadillo to clarify a legal case regarding the topic of “pay for play.” There was additional information on this subject and it would need another meeting for discussion (a regulation considered in another state). Approved 6–0

Last two topics (Increased Accountability and Ethics) could be brought back at another time. The City Attorney could research and get back to the Committee on two matters also (disclosure for PACs, and the court case mentioned by the Councilmember on November 17, 2015).

The Committee members agreed to meet again in February, and scheduled that meeting for Monday, February 22, 2016 at 6:00 PM.

The Committee meeting adjourned at 8:03 PM.

*Meeting minutes prepared
by Mary Lavelle, City Clerk*